IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1231 OF 2007

Ashok Motiram Waghmare. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Vikas Shivarkar, Adv. for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 26th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.2 of 2006 of Paud Police Station, Pune. The said case is under Section 302 of IPC.

3. It is the case of the complainant that he heard his son shouting and when he reached there he saw the present applicant running away with an axe. On enquiry with his son, his son informed him (complainant) that the present applicant had assaulted him.

4. I have perused the post-mortem notes. The post-mortem notes are not consistent with assault

by axe. Moreover, from the post-mortem notes it is seen that injury No.2 which is - "CLW on nape of neck of about 3 X 1/2 cm.", is not an ante-mortem injury, but, it is a post-mortem injury i.e. the said injury was sustained by the deceased after his death. This injury raises suspicion in respect of the veracity of the prosecution case.

5. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicant - Ashok Motiram Waghmare to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount. The applicant shall not enter within the jurisdiction of Paud Police Station, Pune, till disposal of the trial. Before being released on bail the applicant shall inform the officer of Paud Police Station, Pune the address at which he will reside during the period that he is on bail. The applicant shall report to the nearest police station to that address, once in a week, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)